

REMARKS

The Office Action mailed November 14, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-7 and 32-35 are now pending in this application. Claims 1-7 and 32 stand rejected. Claims 33-35 stand objected to. Claims 8-31 have been cancelled.

The rejection of Claims 1-7 and 32-35 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. Applicants respectfully submit that one of ordinary skill in the art, after reading the specification in view of the Figures, would agree that the subject matter in the claims is described in the specification in such a manner as to reasonably convey that the Applicants had possession of the claimed invention, at the time the application was filed. Furthermore, Applicants submit that the specification as originally filed, describes a spacer configured to move along a length of the biasing member when the biasing member is stationary. More specifically, as originally filed, Claim 3 recites “providing a spacer further comprises the step of: determining a moving contact safe travel distance; and providing the spacer sized to be received in the access slot, the spacer engaging the moving contact when the moving contact moves the safe travel distance. Under 35 U.S.C. § 112, an applicant for a patent must include in the specification “one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” Accordingly, Applicants respectfully submit that Claim 3 is part of the specification and as originally filed, provides support for a spacer configured to move along a length of the biasing member when the biasing member is stationary.

In addition, Applicants respectfully disagree with the assertion in the Office Action that the limitation is “not described in the specification and appears to be new matter.” Rather, Applicants submit that one of ordinary skill in the art would recognize that the spacer is configured to move along a length of the biasing member when the biasing member is stationary. For example, as illustrated in Figure 2 and 3, and at paragraph [0018], lines 4-6, the specification describes that, with regard to a spacer “an inner surface 102 is sized larger than spring cylindrical outer diameter 96 to allow first spring 36 to move freely in first spacer 40. In the exemplary embodiment, first spacer 40 is a tube.” Furthermore, for example, at paragraph [0020], lines 5-6, the specification describes that a “first spacer 40, with determined axial length 108, is then matched with first spring 36 having a smaller

compressed biasing length 92.” Moreover, “resolution of any ambiguity may be aided by extrinsic evidence of usage and meaning of a term in the context of the invention” such that the determining factor regarding the meaning of a term, is “how the phrase would be understood by persons experienced in the field...upon reading the patent documents.” As such, Applicants respectfully submit that an artisan of ordinary skill in the art would recognize that a tube shaped spacer, sized larger than the biasing member positioned inside, is configured to move along a length of the biasing member when the biasing member is stationary.

Accordingly, Applicants respectfully submit that one skilled in the art, would determine that the claimed subject matter claimed is described in the specification in such a way as to reasonably convey to one of skilled in the art that the Applicants did in fact have possession of the claimed invention, at the time the application was filed. For at least the reasons set forth above, Applicants request the Section 112, first paragraph, rejections of Claims 11-7 and 32-35 be withdrawn.

The rejection of Claims 1-7 and 32 under 35 U.S.C. § 102(b) as being anticipated by Hirata (U.S. Patent No. 4,063,054) is respectfully traversed.

Hirata describes a key switch equipped with a contact piece. The contact piece is pressed down by a key top (13) actuated by an external force (such as a finger) thereby closing an electric circuit. A key top (13) is included with a downwardly extending protruding part (14) on the bottom thereof, and engages an elastic element, for example a coil spring (15), that surrounds protruding part (14). The remainder of key top (13) is coupled to a central portion (17) of a first plate spring member (16). A peripheral portion (19) of member (16) is placed on an insulating spacer (20). When key top (13) is depressed, protruding portion (14) enters an opening formed in central portion (17) and depresses a central portion (23) of a second plate spring member (22). Spacer (20) limits an amount of travel of spring member (16).

Claim 1 recites “providing a hollow spacer...providing a biasing member... positioning the biasing member within the spacer such that the spacer extends only around the biasing member, the spacer configured to move along a length of the biasing member when the biasing member is stationary....”

Hirata does not describe nor suggest providing a hollow spacer, providing a biasing member, positioning the biasing member within the spacer such that the spacer extends only around the biasing member, the spacer configured to move along a length of the biasing member when the biasing member is stationary.

Rather, and in contrast to the present invention, Hirata describes a key top 13 engaging a coil spring 15 when an external force is applied to key top 13. Hirata does not describe nor suggest that the key top 13 moves along a length of the coil spring 15 when the coil spring 15 is stationary. Hirata states in col. 2, lines 51-58, “Referring to FIG. 2 showing a lateral cross section of an embodiment of the key switch of the present invention shown in FIG. 1, 13 indicates a key top which is to receive an external force by means for example of a finger, and which is provided with a downwardly extending protruding part 14 on the bottom thereof. Said bottom of key top 13 engages with an elastic element, for example a coil spring 15...” Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Hirata.

Claims 2-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are patentable over Hirata.

Claim 32 recites “providing a spacer with at least one longitudinal opening and inserting a biasing member through the at least one longitudinal opening of the spacer such that the spacer is movable along a length of the biasing member when the biasing member is station.”

Hirata does not describe nor suggest providing a spacer with at least one longitudinal opening and inserting a biasing member through the at least one longitudinal opening of the spacer such that the spacer is movable along a length of the biasing member when the biasing member is stationary.

Rather, and in contrast to the present invention, Hirata describes a key top 13 engaging a coil spring 15 when an external force is applied to key top 13. Hirata does not describe nor suggest that the key top 13 moves along a length of the coil spring 15 when the coil spring 15 is stationary. Hirata states in col. 2, lines 51-58, “Referring to FIG. 2 showing a lateral cross section of an embodiment of the key switch of the present invention shown in FIG. 1, 13 indicates a key top which is to receive an external force by means for example of a

finger, and which is provided with a downwardly extending protruding part 14 on the bottom thereof. Said bottom of key top 13 engages with an elastic element, for example a coil spring 15..." Accordingly, for at least the reasons set forth above, Claim 32 is submitted to be patentable over Hirata.

Furthermore, Applicants respectfully submit that the Section 102(b) rejection of presently pending Claims 1-7 and 32 are not a proper rejection. As explained by the Federal Circuit, to satisfy the requirements of Section 102(b), which is generally referred to as "anticipation", each and every element of the claimed invention must be disclosed in a single prior art reference or embodied in a single prior art device. Verdegaal Brothers Inc. v. Union Oil Company of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Hirata does not describe nor suggest providing a spacer with at least one longitudinal opening and inserting a biasing member through the at least one longitudinal opening of the spacer such that the spacer is movable along a length of the biasing member when the biasing member is stationary. Rather, Hirata describes a key switch for use with a calculator.

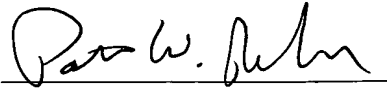
Accordingly, for at least the reasons set forth above, Claims 1-7 and 32 are submitted to be patentable over Hirata

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-7 and 32 be withdrawn.

The objection to Claims 33-35 under 35 C.F.R. 1.75(c) is respectfully traversed. More specifically, Claims 33-35 have been amended to depend from independent Claim 32. Accordingly, for at least the reasons set forth above, Applicants request that the objection to Claims 33-35 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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